

By ROD GIBSON

The foreman of the grand jury that investigated the Chappaquiddick tragedy has dramatically broken a six-year silence to label the jury's probe a "cover-up."

And now, foreman Leslie Leland is calling for an investigation into the cover-up — charging that the district attorney and judge in the case deliberately blocked his jury's attempts to learn the truth about Mary Jo Kopechne's terrible death.

An ENQUIRER investigation revealed that nine of the jurors were angry enough to talk for the first time about their 1970 investigation — despite a stern warning from the judge to keep their lips "forever sealed."

The jurors complained that vital evidence had been kept from them, and that they'd been denied their right to call key witnesses — including the central figure in the tragedy, Sen. Ted Kennedy.

"It was a cover-up from beginning to end," fumed Leland, a Vineyard Haven, Mass., druggist who headed the Dukes County, Mass., Grand Jury from May 1969 to May 1970.

"I do feel an investigation should be made . . . the truth in this issue has never been found."

After talking with the jurors, The ENQUIRER spoke with former district attorney Edmund Dinis, who conducted the grand jury's hearings. Dinis admitted that he had kept testimony given at Mary Jo's inquest away from the jurors — and refused to call witnesses who'd testified at the inquest.

"Upon my own responsibility as district attorney, I felt that the investigation we conducted prior to the inquest and during the inquest was more than sufficient . . . I told them (the jurors): 'I will not call anyone who has been called (as a witness at the inquest) and I won't go over the work that's already been done,'" said Dinis, now treasurer of Bristol County, Mass.

Dinis added: "Where the grand jury was eager to investigate this case, state and county officials were not."

"No one wanted this case, and everyone kept shuffling it around like a hot potato."

Superior Court Judge Wilfred Paquet, who instructed the jury, was reluctant to talk about the jurors' charges. "They can claim anything they want," said Paquet, now retired. "I did my job and it's a matter of record, and that's it. Period."

Based on facts presented by The ENQUIRER, the handling of the Dukes County Grand Jury's investigation was termed "irregular" by Carl Imlay, one of the country's leading experts on grand jury procedures.

"Grand juries can call for witnesses. If persons who were known to have information available weren't called that would be most unusual," said Imlay, general counsel of the administrative office of the

Page 4

NATIONAL ENQUIRER



GRAND JURY FOREMAN: Leslie Leland, who headed the jury investigating the Chappaquiddick tragedy, has broken his six-year silence to charge: "It was a cover-up from beginning to end." Leland is shown at his drugstore in Vineyard Haven, Mass.

U.S. Court in Washington, D.C.

"If the grand jury wasn't given the evidence it called for and needed, that would definitely be irregular."

The Chappaquiddick tragedy happened after a party on the night of July 18, 1969, when a car driven by Sen. Kennedy plunged off a bridge on Chappaquiddick Island, Mass.

The senator escaped — but his pretty companion, 28-year-old Mary Jo Kopechne, died when the car sank in 8 feet of water.

Kennedy, who claimed he'd taken a wrong turn down the road leading to the bridge, didn't report the accident to authorities until 9 hours had passed. He later pleaded guilty to leaving the scene of an accident and received a two-month suspended sentence.

Several aspects of the accident still puzzle grand jury members, jurors told The ENQUIRER. They wonder:

- How did Kennedy, who knew the island well, take a wrong turn?

- Why didn't he report the accident immediately?

- Why didn't he seek help at one of the several nearby houses, some of which were brightly lit?

- Exactly what did he do during those 9 hours before police were called?

- Why was Mary Jo's body embalmed before an autopsy was conducted?

- Why was the medical inquest into her death held behind closed doors, and the in-

quest report kept secret for months?

Foreman Leland, who said he felt the public had a right to know exactly what had happened, revealed he called District Attorney Dinis the day after the tragedy to ask what action the grand jury should take in the matter.

According to Leland, Dinis said he was about to start his own investigation "and he felt our getting into it at that time would be a duplication of effort."

"Mr. Dinis informed me that our conducting an investigation at that time would be a waste



ARRIVING FOR INQUEST into death of Mary Jo Kopechne, Sen. Ted Kennedy escorts wife Joan to Dukes County Court House in Edgartown, Mass., on Jan. 5, 1970.

Grand Jury Foreman Calls for New Probe . . . Chappaquiddick Cover-Up Bared

of tax dollars — that we should hold off, and wait and see what happened with the medical inquest. Dinis promised to get back to us and advise us — but he never called. He was playing games.

"When we finally did call a special session in April (of 1970, nine months later), Judge Paquet, in his instructions to us, reported there were only three areas we could investigate: matters that were brought to our attention by him — and he never gave us any; matters brought to us by Dinis — and there was none from him, either; and material that we 'brought out of our own personal knowledge.' What 'personal knowledge' could we possibly have?"

Leland said that at one point he personally went into the judge's chambers to ask for a copy of the inquest report, feeling the grand jury needed it. But Paquet refused to let him have the secret report, he said.

"I was shocked when the inquest report was made public after we had adjourned," the druggist disclosed.

"Dinis sat through the whole grand jury session knowing what was in that inquest transcript which was denied to us — without letting us know. He just kept saying there wasn't much sense going into it — that we might get what he called a few 'Mickey Mouse' charges out of it, but nothing significant."

"Dinis (also) told us we wouldn't be able to call any of the witnesses who appeared at the inquest. (So) the truth in this issue has never been found. It was impossible to find, with that kind of pressure from the judge and the lack of cooperation from the district attorney."

"My hands were tied. The hands of the grand jury were tied. We'd been effectively blocked."

"Before this, I really be-



FORMER D.A. Edmund Dinis, who conducted the grand jury's hearings, admits he kept testimony given at the Kopechne inquest away from the jurors.

lieved in the grand jury concept and the court system. But I've learned from this that there are two kinds of justice — justice for people like you and me, and another kind of justice for the wealthy."

The grand jury heard just four witnesses on Chappaquiddick, all relatively insignificant. After only two days in session, disheartened jurors called it quits and District Attorney Dinis announced to reporters: "The case is closed."

That same day, Kennedy told the press in Washington he was "happy with the findings of the grand jury." That announcement angered some jurors — because they'd made no findings at all.

"The Kennedy-Chappaquiddick incident was a 'white wash,'" said one juror, who asked that he not be identified. "We hit a dead end on every avenue we tried to go up — and Dinis was usually holding the 'Dead End' sign."

"We discussed subpoenaing the people who'd been at the party with Kennedy (on the night of the accident), and we discussed subpoenaing Kennedy. But the judge as much as said we couldn't, and the district attorney said we couldn't."

But grand juries are supposed to have "absolute freedom" to subpoena any witnesses and evidence they choose, according to Charles Dalton, an assistant district attorney for Essex County, Mass.

"Neither a judge nor a district attorney has the power to restrict that freedom," declared Dalton. "I've never seen a judge or D.A. tell a grand jury it couldn't have certain witnesses. If this was done, I would say it was very unusual."

According to the juror, there were other witnesses in addition to the partygoers and Kennedy that the grand jury had wanted to subpoena:

"We wanted to call the un-

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dentaker, Gene Frieh, who told me that he'd tried to get Dr. (Donald) Mills to change his medical finding that the Kopechne girl had drowned — because the undertaker had found less than a tablespoon of water in her lungs.

"We wanted to call a witness who'd volunteered — a boat-er."

According to the juror, the boatman said he'd heard Kennedy and two friends of the senator talking as they crossed the channel in a boat that night — a statement conflicting with Kennedy's claim that he swam the treacherous channel after unsuccessfully trying to rescue Mary Jo.

"The judge ruled we couldn't call the man because it would be hearsay evidence," the juror said.

"Every time we asked a question of either the judge or Dinis, the answer was never in our favor. It was like running uphill on a treadmill. The way the whole mess was handled just left a bad taste in our mouths.

"The judge told me I could never say anything about what went on in the grand jury room. Well, this still has me angry after all these years —

and I think it's time the story came out."

Juror Frank G. Gibson Sr., a retired hardware clerk from Vineyard Haven, agreed: "What we asked for, we couldn't get — not even the inquest report. I think we should have been allowed to see Sen. Kennedy and ask him several questions face to face — questions that were in our minds then . . . and are still unanswered in our minds today."

Jury member Arthur J. Doane of West Tisbury, Mass., said he feels "money and power had a lot to do with the outcome" of the Chappaquiddick incident.

"I felt the outcome was much less punishment than you or I would have gotten," said Doane.

Another juror, a widow who asked that her name not be published, told The ENQUIRER: "The whole thing was a whitewash. I felt there was too much money and power involved.

"It was frustrating and disillusioning for all the grand jury members. We had no evidence to work with. Our purpose was to find the truth . . . but we found ourselves block-

Chappaquiddick

ed in every direction we turned.

"Mr. Dinis told us we couldn't talk to any of the witnesses who'd appeared at the inquest — (and they were) all the key witnesses!"

Jury member Mrs. Yvette Canha of Vineyard Haven ad-



JUDGE Wilfred Paquet, who instructed the jury, is reluctant to talk about jurors' charges.

mitted she also felt "frustrated" during the grand jury's investigation attempts. But juror George Silva of Edgartown said he didn't, because "it wouldn't have made a difference if he (Kennedy) had been called before the grand jury . . . Senators always lie."

Still another juror, who requested anonymity, told The ENQUIRER: "We asked a lot of questions . . . but the ones that they (the judge and district attorney) didn't want to answer were put aside and ignored. We were only allowed to discuss matters that the judge and DA brought up."

"We would have liked to ask Sen. Kennedy questions, but he never appeared in court. Some of the jurors asked that he be subpoenaed, but these requests were denied."

"A grand jury's not supposed to be restricted in any way — but we were. This makes me angry. (But) we don't like to say much about it. We live in Massachusetts, and we're scared. The Kennedys have a lot of power."

The 9th juror, who also asked that she not be named, commented: "The whole thing was a whitewash and a cover-up, and we were made to look like idiots. Every street was a dead end . . . we were completely

demoralized at the end."

Boston attorney Terry Segal, a former assistant United States attorney, told The ENQUIRER: "It is the grand jury that has the power of subpoena — not the district attorney. And the jury must always be made aware of that power."

"Usually, a grand jury is told the extent of its responsibilities when it is sworn in by the judge. If he doesn't do this in full, then he is remiss in his duties."

"But the district attorney doesn't have the right to stop a jury from calling any witnesses. It's clearly beyond his power to tell a jury it may not call someone it wants to call."

How can Dukes County's dissatisfied jurors get the Chapquiddick investigation reopened? According to Massachusetts legal experts, they can do it by creating enough publicity to get a new grand jury called.

And Robert De Giacomo, Bar Counsel under the Supreme Judicial Court of Massachusetts, pointed out: "Any sitting grand jury can at any given time ask the DA to re-examine the evidence in any case."